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09/924,712	08/08/2001	Jeffrey John Jancula	13575.340	3981

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EXAMINER

NGUYEN, MINH DIEU T

ART UNIT PAPER NUMBER

2137

DATE MAILED: 02/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/924,712	Applicant(s) JANCULA, JEFFREY JOHN	
	Examiner Minh Dieu Nguyen	Art Unit 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-87,89 and 90 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-26,28-33,36-42,44-54,56-59,61-69,71-79,81-87,89 and 90 is/are rejected.
- 7) ☒ Claim(s) 2,27,34,35,43,55,60,70 and 80 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>Nov 07, 2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-87 and 89-90 are pending.

Claim Objections

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Claim 88 is missing.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 24, "said document" lacks antecedent basis.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-9, 12-19, 22-23, 25-26, 28-33, 36-42, 44-50, 53-54, 56-59, 61-65, 68-69, 71-75, 78-79, 81-86 and 90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Powar 6,285,991 in view of Buros et al. (6,775,782).

a) As to claims 1, 41 and 78, Powar discloses secure interactive electronic statement delivery system suitable for use on open networks such as the Internet comprising establishing a relationship among the parties (col. 4, lines 38-40); creating a document initiated by one of the parties (col. 4, lines 40-43); adding verifying information to the document about each of the parties to the document in order to validate the document (Figs. 3-5); at least one of the parties presenting the document to at least one other of the parties prior to communication of the confidential information therebetween (col. 10, lines 14-27) and the other of the parties permitting the communication of the confidential information therebetween only if the document is valid (col. 10, lines 28-32, 56-61).

However, Powar does not disclose adding an expiration time to the document and verifying the expiration time has not passed for permitting the communication of the confidential information.

Buros discloses a "validity period" field in the certificate that specifies dates and times and the certificate is checked to ensure it is within its validity period.

It would be obvious to one of ordinary skill in the art at the time of the invention to employ the use of adding an expiration time to the document as Buros teaches in the system of Powar so as to effectively validate the document.

b) As to claims 3 and 44, Powar discloses encryption is one mechanism that can improve the security of transmitted communications (col. 3, lines 7-9).

c) As to claims 4, 14, 28, 36, 45, 56, 61, 71 and 81, Powar discloses the method wherein at least a portion of the document is symmetrically encrypted (col. 3, lines 11-25).

d) As to claims 5, 15, 29, 37, 46, 57, 62, 72 and 82, Powar discloses the method wherein at least a portion of the document is asymmetrically encrypted (col. 3, lines 26-46).

e) As to claims 6, 16, 47 and 83, Powar discloses the document includes a digital signature of each of the parties (col. 4, lines 38-54).

f) As to claims 7 and 17, 38, 48, 63, 73 and 84, Powar discloses the encrypted information is capable of decryption using an encryption key (col. 3, lines 11-25).

g) As to claims 8-9, 18-19, 39-40, 49-50, 64-65, 74-75 and 85-86, Powar discloses the encryption key is a public key or a private key (col. 3, lines 25-46).

h) As to claims 12 and 90, Powar discloses the encrypted information is encrypted with a public key and capable of decryption using a private key.

i) As to claims 13, 25, 53, 58 and 68, Powar discloses secure interactive electronic statement delivery system suitable for use on open networks such as the Internet comprising establishing an electronic communication relationship among all the parties (col. 4, lines 38-40); creating an electronic ticket initiated by a first of the parties (col. 4, lines 40-43); adding security information pertaining to the first party to the electronic ticket (Fig. 3) and then sending the electronic ticket to a second of the parties (col. 4, lines 40-43); adding security information pertaining to the second party to the electronic ticket (Fig. 5) and then sending the electronic ticket to a third of the parties (col. 4, lines 55-67 to col. 5, lines 1-17); adding security information pertaining to the third party to the electronic ticket (Fig. 4), Powar discloses the security information pertaining to each of the first and second (Fig. 5) and the security document includes encrypted security information pertaining to each of the first and third (Fig. 4), this feature can be implemented to address the limitation of having the security document includes information pertaining to each of the first, second and third parties as claimed; validating the electronic ticket by verifying the security information pertaining to the at least three parties and at least one of the parties (Fig. 2); at least one of the parties presenting the electronic ticket to another of the parties prior to communicating confidential information therebetween (col. 10, lines 14-27) and the other of the parties permitting the communication of confidential information therebetween only after the electronic ticket is validated (col. 10, lines 28-32, 56-61).

i) As to claim 22, Powar discloses each of the parties has a digital certificate (Fig. 2), the respective parties each digitally signing the electronic ticket.

j) As to claims 23, 26, 32, 42, 54, 59, 69 and 79, this limitation is addressed in claim 1.

k) As to claim 30, Powar discloses secure interactive electronic statement delivery system suitable for use on open networks such as the Internet comprising adding encrypted security information pertaining to the first party to a security document created by one of the first, second and third parties (Fig. 3), the information in Fig. 3 is not encrypted information, however Powar does disclose encryption is one mechanism that can improve the security of transmitted communications (col. 3, lines 7-9), this feature can be implemented to address the limitation of adding encrypted security information as claimed; requiring the security document to be presented to the first party by one of the second and third parties prior to permitting the communication of confidential information (Fig. 2); determining that the security document includes encrypted security information pertaining to each of the first, second and third parties in order to verify that the security document is valid (Figs 3-5), Powar discloses the security document includes encrypted security information pertaining to each of the first and second (Fig. 4) and the security document includes encrypted security information pertaining to each of the first and third (Fig. 5), this feature can be implemented to address the limitation of having the security document includes encrypted security information pertaining to each of the first, second and third parties as claimed; and permitting the communication of confidential information of the second party with the third party only after verifying that the security document is valid (Fig. 7A).

I) As to claims 31 and 33, Powar discloses the invention utilizing a certification hierarchy to insure that electronic bills, invoices and other account statements can be securely sent over open networks (Abstract), it anticipates the security document is an electronic document, the encrypted security information being added electronically, the confidential information being communicated electronically and the expiration time is added electronically .

6. Claims 10-11, 20-21, 51-52, 66-67, 76-77, 87 and 89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Powar 6,285,991 in view of Buros et al. (6,775,782) and further in view of Schneier (Applied Cryptography).

Powar does not disclose the private key is a multiple use key or a one-time use key.

Schneier discloses the lifetime of a key wherein some key can be used one time and other key could be used multiple times over a period of time (page 183-184).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of determining the permitted lifetime of a key as Schneier teaches in the system of Powar so as to reduce number of attacks.

Allowable Subject Matter

7. Claims 2, 27, 34-35, 43, 55, 60, 70 and 80 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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8. Claim 24 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu Nguyen whose telephone number is 571-272-3873. The examiner can normally be reached on M-F 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Minh Dieu Nguyen
Examiner
Art Unit 2137


mdn
1/25/05



**ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER**